UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GEORGE GUINDON, et al., Plaintiffs,	:	
v.	:	C.A. No. 03-335-L (Jury Trial Demanded)
AMERICAN FOAM CORP., et al., Defendants.	:	

ANSWER OF DEFENDANTS MARK KENDALL, DAVID FILICE AND ERIC POWERS TO PLAINTIFFS' NOTICE OF ADOPTION OF THIRD AMENDED MASTER COMPLAINT

Pursuant to paragraph 4 of the Court's Consent Order entered in the *Gray* Litigation on February 2, 2006 and in response to Plaintiffs' Notice of Adoption of Third Amended Master Complaint, Defendants Mark Kendall, David Filice and Eric Powers (collectively, "These Defendants") adopt and incorporate herein their Answer to the *Gray* Plaintiffs' Third Amended Master Complaint.[1]

SUPPLEMENTAL AFFIRMATIVE DEFENSE

In addition to their previously stated affirmative defenses, These Defendants specifically assert that Plaintiffs failed to file in this action a timely Notice of Adoption of the *Gray* Plaintiffs' Third Amended Master Complaint prior to the expiration of the statute of limitations.

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[1] *See*, Docket Entry No. 843 in the Gray litigation.

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